IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.413 of 2007

IN

APPEAL (LODG) NO.1036 OF 2006

AND

APPEAL (LODG) NO.1036 OF 2006

IN

CHAMBER SUMMONS NO.1172 OF 2004

IN

SUIT NO.2792 OF 2000

U.P.Co-op. Spinnin Mills Federation Ltd. ...Appellant.

vs.

1.Dr.Vijay Satbir Singh & ors. ...Respondents.

Mr.R.C.Shah i/b. A.C.Mahimkar, for Appellant.

None for Respondents.

CORAM: D.K.DESHMUKH &

J.H.BHATIA, JJ.

DATED: 30th July,2007.

P.C.:-

Assuming that there is sufficient cause for condonation of delay, considering the nature of the order passed by the learned Single Judge which is impugned in the appeal, the appeal is not maintainable. What has been done by the learned Single Judge is that because of change in the Trustees of the plaintiff, the names of new trustees have been permitted to be brought on record. The order allowing the amendment in the plaint, which is impugned in this petition, does not amount to judgment within Clause 15 of the Letters Patent as per the law laid down by the Supreme Court in the case “Shah Babulal Khimji Vs. Jayaben D. Kania & Another, (1981)4 Supreme Court cases 8”. Hence, the appeal and the notice of motion are disposed of.

(D.K.DESHMUKH, J.)

(J.H.BHATIA,J.)